

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

United States of America,

Criminal No. 11-232 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

David James Cook,

Defendant.

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Deidre Y. Aanstad, Assistant United States Attorney, United States Attorney's Office,  
counsel for Plaintiff.

Deborah K. Ellis, Esq., Ellis Law Office, counsel for Defendant.

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Based upon the Report and Recommendation of United States Magistrate Judge  
Leo I. Brisbois, no objections having been filed in the requisite time period, and after an  
independent review of the files, records and proceedings in the above-entitled matter,

**IT IS HEREBY ORDERED:**

Based on the foregoing, and all the files, records and proceedings herein,

Defendant's Motion to Dismiss (Doc. No. [16]) is **DENIED**.

Dated: October 17, 2011

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge